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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,574	12/19/2001	Jack Brass	16224.00046	1008

7590 10/31/2003

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EXAMINER

BARTH, VINCENT P

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CA

Interview Summary	Application No. 10/021,574	Applicant(s) BRASS, JACK	
	Examiner Vincent P. Barth	Art Unit 2877	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Vincent P. Barth, Examiner. (3) Richard P. Bauer, Atty. for Applicant.
 (2) Richard A. Rosenberger, Primary Examiner. (4) Jack Brass, Applicant.

Date of Interview: 29 October 2003.

Type: a) ☐ Telephonic b) ☐ Video Conference
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.
 If Yes, brief description: See section below entitled Substance of Interview.

Claim(s) discussed: 1.

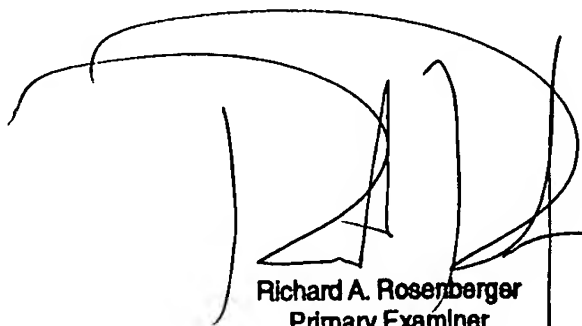
Identification of prior art discussed: Kalley, et al., U.S. Pat. No. 6,590,220 (8 Jul. 2003).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



Richard A. Rosenberger
Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant demonstrated several LED flashlights for the purpose of illuminating patches of fluorescing dye. Said dye was disposed in the base of an opaque white plastic container in essentially a wide-mouthed cup shape, such that the dye patches were in small patches on the bottom of the container. Said dye was substantially invisible or white under normal office lighting conditions, and Applicant represented to the Examiners that the dye had a peak fluorescence of 440 nm. Applicant demonstrated an LED flashlight which he represented to have a peak output of 470 nm, which he used to illuminate the dye. Applicant also provided yellow tinted plastic eyewear to demonstrate changes in the contrast of the fluorescing dye while such dye was illuminated by the 470 nm flashlight, both with and without the eyewear. The Examiners observed the dye fluorescing, and tried the eyewear. Applicant then demonstrated another flashlight, that being the subject of the instant Application, which he represented as having a peak output of 395 to 400 nm to demonstrate that the dye fluoresced with greater contrast, and that such improved contrast established unexpected results over the 470 nm light. Applicant and Counsel framed such results as unexpected, on the theory that one would expect the 470 nm light to provide greater contrast. Applicant also demonstrated other LED flashlights, each with a plurality of lenses disposed beyond the LED's such that the light would be focused at a particular distance, and which are currently the subject of another pending U.S. Application 10/029,803, published as PG-Pub. No. US 2003/012254 A1 (3 Jul. 2003). The Kalley reference was discussed generally, in the sense that Applicant wished to demonstrate that the instant invention, with a narrow bandwidth claimed, possessed unexpected results over the Kalley invention, which claimed a broader bandwidth. Counsel for Applicant also presented a draft copy of proposed amendments to Claim 1, a copy of which is attached hereto. No agreement was reached with respect to the draft proposed amendments, and the Examiners did not indicate that said draft proposed amendments would overcome rejections set forth in prior Office Actions.

Addendum: Also in attendance, but not listed above in the section entitled Participants, merely due to space limitations on the present form: Robert Wilkes, Canadian Counsel for Applicant, and Donald L. Klipstein, technical assistant to Applicant.

Draft-For Discussion Purposes Only

1. (Currently Amended) An apparatus for use with a body to be tested for faults using a luminescent material, said apparatus comprising:

at least one LED to emit ~~capable of emitting~~ violet radiation to excite said luminescent material; and

a power supply connected to said at least one LED to provide said at least one LED with electricity ~~and wherein~~ to cause said at least one LED to emit radiation in a narrow bandwidth having a substantial portion of the emitted wavelength of radiation emitted from each LED falls within a range of from 395 to 415 nanometers, to cause said luminescent material to be excited, and

wherein the radiation emitted from said at least one LED includes visible light which is visually distinguishable from the excited luminescent material ~~the beam angle of radiation emitted from each LED is less than or equal to 30 degrees.~~